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8 *and Willow Wren Turkal, on behalf of themselves*
and all others similarly situated

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10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**
12 **OAKLAND DIVISION**

13 CAROLINA BERNAL STRIFLING and
14 WILLOW WREN TURKAL, on behalf of
15 themselves and all others similarly situated,

16 Plaintiffs,

17 v.

18 TWITTER, INC.

19 Defendant

20 Case No. 4:22-cv-07739-JST

21

22 **PLAINTIFFS' OPPOSITION TO**
TWITTER'S MOTION TO DISMISS THE
COMPLAINT AND STRIKE THE CLASS
CLAIMS

23 Date: April 6, 2023
24 Time: 2:00 PM, PST
25 Judge: Hon. Jon S. Tigar

In Twitter’s Motion to Dismiss (Dkt. 20), it argued that Plaintiffs’ sex discrimination claims under Title VII, 42 U.S.C. § 2000e, *et seq.* (Count I), and the California Fair Employment and Housing Act, Gov. Code § 12900 *et seq.* (Count II), should be dismissed because they had not yet received notices of right to sue from the Equal Employment Opportunity Commission (“EEOC”) and the California Department of Fair Employment & Housing (“DFEH”). The EEOC and DFEH have now issued notices of right to sue, as of February 22, 2023, attached as Exhibits A-D. Plaintiffs maintain that the administrative exhaustion requirement should be excused in light of the exigent circumstances of this case, given that they had reason to believe that Twitter would seek full releases of claims from the putative class members in this matter, and thus Plaintiffs needed to quickly move for a protective order. See Plaintiffs’ Opposition to Twitter’s Motion to Dismiss at 8-12 (Dkt. 27). In any event, now that the notice of right to sue has been issued, this issue is a moot point, and the case may now proceed. See Oliphant v. City and County of San Francisco, 2010 WL 1875711, at *9 (N.D. Cal. May 7, 2010) (citing Wrighten v. Metropolitan Hospitals, Inc., 726 F.2d 1346, 1351 (9th Cir. 1984)).

Respectfully submitted,

CAROLINA BERNAL STRIFLING and WILLOW WREN TURKAL, on behalf of themselves and all others similarly situated,

By their attorneys,

/s/ Shannon Liss-Riordan
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Dated: March 3, 2023

CERTIFICATE OF SERVICE

I, Shannon Liss-Riordan, hereby certify that a true and accurate copy of this document was served on counsel for Defendant Twitter, Inc. via the CM/ECF system on March 3, 2023.

/s/ Shannon Liss-Riordan
Shannon Liss-Riordan